

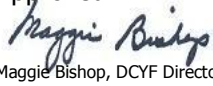


<b>2105 OMBUDSMAN PROGRAM</b>			
Chapter: <b>Sununu Youth Services Center</b>		Section: <b>Resident Rights and Privileges</b>	
	New Hampshire Division for Children, Youth and Families Policy Manual		
	Policy Directive: <b>14-34</b>	Approved: 	Approved: 
	Effective Date: <b>June 2014</b>		
	Scheduled Review Date:	Penny Sampson, SYSC Director	Maggie Bishop, DCYF Director
Related Statute(s): <a href="#">RSA 126-A</a> , <a href="#">RSA 621</a> , and <a href="#">RSA 621-A</a> Related Admin Rule(s): Related Federal Regulation(s): <a href="#">P.L. 108-79</a> <b>PREA Standards <a href="#">115.351(a)</a>, <a href="#">351(b)</a>, <a href="#">351(d)</a>, <a href="#">351(e)</a>, <a href="#">352(b1)</a>, <a href="#">352(b2)</a>, <a href="#">352(b3)</a>, <a href="#">352(b4)</a>, <a href="#">352(c1)</a>, <a href="#">352(c2)</a>, <a href="#">352 (d1)</a>, <a href="#">352 (d2)</a>, <a href="#">352 (d3)</a>, <a href="#">352 (d4)</a>, <a href="#">352 (e1)</a>, <a href="#">352 (e2)</a>, <a href="#">352 (e3)</a>, <a href="#">352 (e4)</a>, <a href="#">352 (f1)</a>, <a href="#">352 (f2)</a>, <a href="#">352 (g)</a>, <a href="#">361 (a)</a></b>		Related Form(s): <b>Grievance Form</b> Bridges' Screen(s) and Attachment(s):	

The Sununu Youth Services Center's (SYSC) Ombudsman Program is designed to provide youth and their parents or guardians with a mechanism to:

1. Report abuse or neglect of youth committed or detained at the SYSC;
2. Resolve grievances related to youth health, safety, or service delivery;
3. Address general concerns about policies and procedures at SYSC; and
4. Report mistreatment of youth by staff.

Additionally, the SYSC Ombudsman Program is designed to provide SYSC staff with a mechanism to:

1. Report concerns regarding SYSC work conditions (e.g. staff shortages, condition issues at the facility, Administration's counseling philosophy); and
2. File complaints regarding violations of Department of Health and Human Service's or Division for Children, Youth and Families' policies regarding anti-discrimination, sexual harassment, and other similar concerns.

The SYSC Ombudsman Program is an integral program in the SYSC effort to establish zero tolerance towards all forms of sexual abuse and sexual harassment, as defined in [Policy 2055 "Sexual Abuse and Sexual Harassment,"](#) and approach to preventing, detecting, and responding to such conduct according to the provisions of the Prison Rape Elimination Act of 2003 (PREA) P.L. 108-79.

<b>Purpose</b>
This policy describes the Ombudsman Program at the Sununu Youth Services Center (SYSC).
<b>Definitions</b>

"DCYF" or the "Division" means the DHHS Division for Children, Youth and Families.

**"DHHS"** or the **"Department"** means the New Hampshire Department of Health and Human Services.

**"PREA"** means the standards enacted on August 20th, 2012 and enforced by the U.S. Department of Justice to eliminate prison rape pursuant to the Prison Rape Elimination Act of 2003.

**"SYSC"** or the **"John H. Sununu Youth Services Center"** means the architecturally secure juvenile treatment facility administered by the DHHS Division for Children, Youth and Families.

<b>Policy</b>
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I. Role of DHHS Office of the Ombudsman at SYSC:

- A. Pursuant to RSA 126-A:4, III, the DHHS has established the Office of the Ombudsman "to provide assistance to clients and employees of the department by investigating and resolving complaints regarding any matter within the jurisdiction of the department including services or assistance provided by the department or its contractors."
- B. The DHHS Office of the Ombudsman will assign a member of its office to implement and maintain the Ombudsman Program at SYSC. This member of the Office of the Ombudsman will be referred to in this policy as the "SYSC Ombudsman."
- C. Pursuant to the Prison Rape Elimination Act of 2003, the SYSC Ombudsman is designated as one of multiple internal ways for youth to privately report sexual abuse and sexual harassment, retaliation by other youth or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents (115.351 (a)).
  1. The SYSC Ombudsman is one way for youth to report abuse or harassment to a public office that is not part of the SYSC and is able to receive and immediately forward youth reports of sexual abuse and sexual harassment to the SYSC Director or designee, allowing youth to remain anonymous upon request (115.351 (b)) barring immediate safety concerns.
  2. The SYSC Ombudsman shall ensure a grievance related to sexual abuse or sexual harassment is not referred to a staff member who is the subject of the complaint (115.352 (c2)).
  3. The SYSC Ombudsman shall also follow the provisions of [Policy 2475 "Abuse or Neglect of Committed or Detained Youth."](#)

II. DCYF will provide the SYSC Ombudsman with an office in the Administration Building on the SYSC grounds.

III. DCYF will install locked boxes in locations within the SYSC, that are mutually agreed upon by the SYSC Ombudsman and the SYSC Director or designee, where youth or staff may place Grievance Forms or other written statements of complaints/grievances. Only the SYSC Ombudsman will have access to the locked boxes (115.351 (d)).

IV. Orientation to the SYSC Ombudsman Program:

- A. Youth Orientation to the SYSC Ombudsman Program: Pursuant to Policies [2028 "Admission Procedure"](#) and [2027 "Residential Orientation"](#) (for committed and detained youth, respectively) the residential staff member who has been assigned to assist with the youth's admission shall conduct a thorough orientation to the procedures, rules, programs, and services provided at the SYSC.
1. This orientation shall occur within 24 hours of the youth's admission to SYSC and shall include an explanation of the SYSC Ombudsman Program.
  2. The explanation of the SYSC Ombudsman Program shall include, but is not limited to, the following aspects:
    - (a) The SYSC Ombudsman Program is a safe and confidential means by which to report abuse/neglect that has occurred while the youth is committed or detained at the SYSC;
    - (b) The SYSC Ombudsman does not investigate abuse/neglect allegations;
    - (c) The SYSC Ombudsman complies with the provisions of RSA 169-C, [Policy 2475 "Abuse or Neglect of Committed or Detained Youth,"](#) and [Policy 2055 "Sexual Assault and Sexual Harassment;"](#)
    - (d) Youth may make abuse/neglect reports to the SYSC Ombudsman in complete privacy by using a Grievance Form and requesting permission to place the form directly in the nearest Ombudsman Box;
    - (e) Upon receipt of any Grievance Form, the SYSC Ombudsman shall refer the report of abuse or neglect to DCYF Central Intake and request an assessment of the matter in a manner that does not jeopardize the youth's safety and privacy;
    - (f) Before making the referral noted immediately above, the SYSC Ombudsman may request access to the youth making the allegation to clarify the information included in the allegation; and
    - (g) The SYSC Ombudsman may exercise an exception to the privacy provision by reporting the allegation to the SYSC Director or designee only when immediate action is required to ensure the safety of the youth making the allegation.
- B. Parents/Legal Guardians Orientation to the SYSC Ombudsman Program: Parents/legal guardians of youth committed or detained at the SYSC shall receive a copy of the Youth/Parent Handbook within 2 weeks of the youth's admission to SYSC. The Handbook shall include a section that explains the Ombudsman Program.
- C. Staff Orientation to the SYSC Ombudsman Program: All newly hired staff shall have a one-hour presentation by the SYSC Ombudsman detailing the Ombudsman Program. This presentation shall include, but is not limited to, the following aspects:
1. The SYSC Ombudsman program is not part of DCYF;

2. The SYSC Ombudsman program is independently authorized by the Commissioner of DHHS to provide assistance to youth, their families, and staff by helping to resolve complaints;
3. Youth may communicate directly with the SYSC Ombudsman by completing a Grievance Form and placing it in the Ombudsman Box;
  - (a) Staff must ensure that youth have the opportunity to complete a Grievance Form when they are safe and able to; or
  - (b) Alternatively, if a youth is unable to safely complete a grievance form, staff shall, at the youth's request, put the youth's name on a Grievance Form and place it in the Ombudsman Box;
4. The contents of any Grievance Form shall remain confidential except for complaints concerning physical or sexual abuse; and
5. The SYSC Ombudsman does not investigate physical or sexual abuse.
  - (a) By law, the NH Department of Justice Attorney General's Office, or designee, shall investigate these complaints.
  - (b) The SYSC Ombudsman shall advocate further investigation is conducted in a manner that does not jeopardize the youth's safety or privacy.

V. SYSC Ombudsman Access to SYSC:

- A. The SYSC Ombudsman is considered a DHHS employee who is regularly scheduled at the SYSC;
- B. The SYSC Ombudsman shall notify the Supervisor On-Duty when he/she is on the SYSC grounds;
- C. The SYSC Ombudsman shall inform the Supervisor On-Duty about when and where he/she will be in SYSC for safety and security purposes;
  1. The SYSC Ombudsman will sign-in at the front reception desk, however shall not be required to specify any youth or staff as the purpose for the visit; and
  2. The SYSC Ombudsman may make rounds of the facility including, but not limited to, checking the Ombudsman Boxes, reading communications and other logs, and having general conversations with staff and youth.
- D. If the SYSC Ombudsman wishes to meet with youth or staff, he/she will notify the Supervisor On-Duty to coordinate the scheduling of appointments with youth or staff; and
- E. Staff shall utilize their best efforts to ensure the confidentiality and privacy of youth communications with the SYSC Ombudsman.

VI. Staff Access to the SYSC Ombudsman:

- A. Staff may call and arrange for a face-to-face meeting with the SYSC Ombudsman, utilize the Ombudsman Boxes to communicate, or take other reasonable means to make contact.
- B. Staff may privately report sexual abuse and sexual harassment of youth directly to the SYSC Ombudsman (115.351 (e)).
- C. Filing of Emergency Grievance Alleging a Youth is Subject to Substantial Risk of Imminent Sexual Abuse (115.352 (f1)).
  - 1. Any staff having knowledge of, or receiving information that, a youth is subject to a substantial risk of imminent sexual abuse shall immediately report the information to the SYSC Director or designee. This report shall be considered an Emergency Grievance;
  - 2. The SYSC Director or designee shall take immediate corrective action to ensure the safety of the alleged youth in jeopardy if determined necessary. This determination and any corrective actions shall be documented;
    - (a) If a designee of the SYSC Director receives an emergency grievance alleging a youth is subject to a substantial risk of imminent sexual abuse (or any portion thereof that alleges the substantial risk of imminent sexual abuse), the information shall immediately be forwarded to the SYSC Director at which immediate corrective action may be taken; and
  - 3. The SYSC Director or designee shall issue a final agency decision regarding the grievance within five calendar days.
    - (a) The initial response and final decision shall document the SYSC Director or designee's determination whether the youth was in substantial risk of imminent sexual abuse; and
    - (b) The action taken in response to the emergency grievance (115.352 (f2)).

VII. Youth Access to the SYSC Ombudsman:

- A. Youth may speak with the SYSC Ombudsman when the Ombudsman is on-duty and in the youth's residential unit.
- B. Grievance Form or Other Written Submission:
  - 1. Upon request, staff shall provide youth with a Grievance Form and an appropriate writing tool to complete the form unless the youth lacks sufficient control at the time of the request to safely use the tool.
    - (a) In such cases and in view of the youth, staff shall record the date and youth's name on a Grievance Form and place the form in the Ombudsman Box.
    - (b) Upon receipt and when the youth is able to participate, the SYSC Ombudsman will complete the form during a face-to-face interview with the youth (115.351 (d)).

2. In lieu of a Grievance Form, youth may submit a written description of his/her grievance.
- C. Staff shall not discourage youth from requesting, completing, or submitting a Grievance Form. Any written document addressed to the SYSC Ombudsman and provided to staff shall:
1. Not be altered or destroyed; and
  2. Either be placed in the Ombudsman Box or delivered directly to the SYSC Ombudsman within 24 hours of receipt.
- D. Upon completion of a Grievance Form, or other written submission:
1. Youth shall be permitted to place the form or other written submission in the Ombudsman Box;
  2. Youth may request staff to place the form or other written submission in the Ombudsman Box;
  3. Youth may give the form or other written submission directly to the SYSC Ombudsman; or
  4. Youth may give the form or other written submission to staff and request that staff deliver the form/submission directly to the SYSC Ombudsman.

VIII. Youth Rights provided by PREA:

- A. For the duration of a youth's commitment or detention at the SYSC, there shall not be a time limit imposed on youth for submitting a grievance regarding an allegation of sexual abuse as defined in [Policy 2055 "Sexual Abuse and Sexual Harassment"](#) (115.352 (b1)).
1. The SYSC may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse (115.352 (b2)).
- B. The SYSC shall not require a youth to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse (115.352 (b3)).
- C. Nothing in this section shall restrict the SYSC's ability to defend against a lawsuit filed by a youth on the ground that the applicable statute of limitations has expired (115.352 (b4)).
- D. A youth who alleges sexual abuse may submit a grievance directly to the SYSC Ombudsman without submitting it to a staff member who is the subject of the complaint (115.352 (c1)).
- E. Third parties, including other committed or detained youth, staff, family members, attorneys, and outside advocates, shall be permitted to assist youth in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of youth through the SYSC Ombudsman (115.352 (e1)).
1. If a third party, other than a parent or legal guardian, files such a request on behalf of a youth, the SYSC Director/designee or Ombudsman, depending on who the third party reported to, may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also

require the alleged victim to personally pursue any subsequent steps in the administrative remedy process (115.352 (e2)).

2. If a youth declines to have the request processed on his or her behalf, the SYSC Director/designee or SYSC Ombudsman shall document the youth's decision and ensure the provisions of [Policy 2475 "Abuse or Neglect of Committed or Detained Youth"](#) are met (115.352 (e3)).
- F. Youth may not be discipline for filing a grievance related to sexual abuse or sexual harassment unless there is an investigatory finding of the preponderance of the evidence that the youth did not file the grievance in good faith (115.352 (g)).

IX. Resolution of Youth or Family Grievances/Complaints:

- A. For allegations not involving sexual abuse or sexual harassment - Youth, parents/legal guardians of committed or detained youth, and staff are encouraged to resolve any concerns, grievances, or complaints about youth/staff interaction and treatment or programs and services provided to youth through direct communication with the involved staff, the supervisors of involved staff, or the appropriate administrators.
- B. Although encouraged to seek resolution of concerns/grievances/complaints through direct communication with the appropriate staff, staff shall not restrict or discourage youth or parent/guardian access to the SYSC Ombudsman at any point in time.
- C. A parent or legal guardian of a committed or detained youth shall be allowed to file a grievance with the SYSC Ombudsman regarding allegations of sexual abuse, including appeals, on behalf of the youth. Such a grievance shall not be conditioned upon the youth agreeing to have the request filed on his or her behalf (115.352 (e4)).

X. Disposition of Matters by the SYSC Ombudsman

- A. In the event that a complaint/grievance made to the SYSC Ombudsman causes the Ombudsman to suspect that a youth has been abused or neglected, as those terms are defined in RSA 169-C:3, [Policy 2475 "Abuse or Neglect of Committed or Detained Youth,"](#) PREA, or any other standard, the SYSC Ombudsman shall:
  1. Report the suspected abuse or neglect as required by RSA 169-C and PREA (115.361(a)).
  2. Inform the SYSC Director or designee of the report so that immediate steps can be taken to ensure the youth's safety.
  3. Inform the youth:
    - (a) The complaint has been referred for investigation pursuant to RSA 169:C;
    - (b) The SYSC Ombudsman will not be involved in the investigation and resolution of the claim of abuse or neglect; and
    - (c) The resolution of any other matters contained in the complaint will be held in abeyance until the conclusion of the abuse/neglect investigation.

4. Inform the youth that if he/she has concerns about the outcome of the abuse/neglect investigation, he/she may contact the SYSC Ombudsman to discuss the concerns.
- B. The SYSC Ombudsman may refer youth complaints back to staff, supervisors, or administrators for discussion and resolution except as otherwise stated in this policy.
  - C. Youth complaints/grievances about staff conduct that does not affect the health, safety, or well-being of a youth may be referred to the SYSC Director or designee to determine whether the staff's conduct is a violation of SYSC policy and for appropriate personnel action if a violation is found.
  - D. The DCYF Director or designee, the DHHS Ombudsman, and the SYSC Ombudsman shall determine the content of and manner in which the SYSC Ombudsman will report to DCYF periodically on the nature of youth complaints/grievances received. Such information is critical to the ability of DCYF to recognize patterns of inappropriate staff conduct.
  - E. The SYSC shall issue a final agency decision and/or update status report on the merits of any portion of a grievance alleging sexual abuse within 90 calendar days of the initial filing of the grievance (115.352 (d1)). This information may be confidential and may be limited to a status report.
    1. Computation of the 90-day time period shall not include time taken by youth to prepare any administrative appeal (115.352 (d2));
    2. The SYSC Director/designee or Ombudsman may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision;
      - (a) The SYSC Director/designee or Ombudsman shall notify the youth in writing of any such extension and provide a date by which a decision will be made (115.352 (d3)); and
    3. The SYSC Director/designee will ensure appropriate supports for the processing of information with the alleged victim.
  - F. At any level of the administrative process, including the final level, if the youth does not receive a response within the time allotted for reply, including any properly noticed extension, the youth may consider the absence of a response to be a denial of the allegation at that level (115.352 (d4)).